G R S App F IX 4]

1947 - 48

File No 156-47

Previous References
ml 135-46 (7 8) (ml)

Serial Nos 5 6

Later References
ML 67-48(9.10)
GFB 6-54-12

GENERAL AND REVENUE SECRETARIAT

Serial Nos
To

Part B for Finance

SUBJECT

Confirmation of the sale of site near Olympia Talkie

Encl - A 174548 dt 8/6/47

For Principal

Impress not Govt see any reason to interfere with the decision of Trust board in the matter

Petn dt 30-11-47 from M Thirumalai Door no 97, opposite Devaraja Market Mysore city praying that the sale of his property bearing no 1226 in block no 33, Devaraja Mohalla, Mysore acquired by the Local Trust Board for the construction of a public latrine, may be set aside and that the same may be restored to him at an upset price

1) Orders of the Minister for Finance and Industries

For inspection when a note Mysore meantime a report may be called for from the chairman to be submitted by 20th inst"

Sd HCD 12.12.47

2) Memo as per file in the petition calling for a report from the chairman, Mysore Trust Board and an endorsement thereon

Sd 18/12 Sd 18.12.47

3) Sd Illegible for 18/12/47

L 11889 18/12/47

Ext L 11890 18/12/47

3302/E 3543/ml

4) submitted with reference to
para 1 the report has not yet
been received
Please put up a DO remr
MA
5/1 Br
5-1-49

Letter No 03 c 69/47-48 dt 24-12-47
from the chairman, Sylhet Trust
Board forwarding a report in
the matter

5) submitted for perusal the collection
No ml 135-46-8 referred to in
the report is not readily available
this will be resubmitted after the
collection is found if affected
MA
23/1 Br 23/1/48 6) What has become of the two
Collectors? They should report
quickly - within three days

7) submitted with the collection
No ml 135-46-8 the other collection
No ml 135-46-4 is pending

26/1/48

3543/mk

with another file of approved,
this will be resubmitted after
the return of the latter file
herewith 29/Pr. 1 29 148 & 9/yes, these

J Miller

9/ submitted with reference to
para 8/ supra

~~Before the~~ printed copies
of pp Nos L/15423-5/mk 135-46-4.
23-5-47 have been received
and a copy of the said pp is
put up - flag Y.

The following note is put
up on the subject

One Mr Thirumurugesh
of Mysore has submitted a petition
requesting that the amenities
held by the Trust owned
in respect of site No 1226
of Block No 33, Devarajan Mohalla

Mysore etc- acquired from him for the construction of a public latrine, may be set aside, as the site was not utilised for the purpose for which it was acquired

10) The report of the chairman Mysore etc Improvement Trust Board shows that a bit of land measuring 135 5/24 sq yards belonging to the petitioner was acquired for the construction of a public lavatory and that a sum of Rs 920/- was awarded as compensation

11) It is said that a latrine was constructed at the spot and that, as the place has achieved importance on account of the effected by the Board the same was removed subsequently The place is said to have been ~~auctioned~~ sold in public auction, as a shop

site and it fetched a sum of Rs 19,050/- sum is subject to confirmation, as per GO dt 7-11-47 - Flg X and the site was disposed of as per rules laid down in this behalf in GO dt 3-5-47 (Flg Y.

12) Further above circumstances the chairman says that "it would be a very awkward and inconvenient precedent if the claims of partners to the land subsequent to the acquisition was recognised in any way

13) In the light of the information furnished by the chairman, the petitioners may perhaps be informed that govt see no reason to interfere with the decision of the Trust Board in the matter

14) 'A' is submitted

3543/mk

for orders with reference

to paras 1 above

15) As the land acquired from Mr 13/4 the petr was used for the purpose for which it was acquired and a latrine was constructed and as the subsequent development of it removal could not be contemplated at the time the land was acquired, the petr does not seem to have a real grievance The proposal in para 13 is for orders

I agree
S

For 13/4/48

Rev Secy)

1316
14/4

14) In the light of facts mentioned in paras 12 & 13 supra if approved, a suitable endorsement will be issued to the petr

Minister
Finance & Trade

16/4/48

15) I agree

16) No need to make the sale

Secy
22/5

24/5

All Plots
& subsheets

GOVT OF THE PUNJAB
FINANCE & INDUSTRIES
No 3199
Date 16/4/48

No32 C 6[illegible]/47-48

Office of the Chairman
City Improvement Trust Board

Mysore Dated 15th [illegible] 1948

From P SITHARA IAH, Esq ,B A ,B L ,
H Sx Hanmayya Esq M.R.
CHAIRMAN CITY IMPROVEMENT TRUST BOARD
MYSORE

To SYED ABDUL AZIZ ,Esq ,B A ,
SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE
REVENUE DEPARTMENT BANGALORE

GENERAL & RETT SECRETA
6319
APR 1948
BE U FA BRA CH

Sir,

Re Confirmation of sale of site near Olympia Talkies

In continuation of this office letter of even number dated the 24th December 1947 re the above, I have the honour to request you kindly to communicate sanction of Government confirming the above auction sale As the sale was held on 2nd November 1947 nearly five months ago, early orders are solicited in the matter

I have the honour to be,

Sir,

Your most obedient servant,

P Sitharamaiah
18/4
Chairman
15/4

I 21/4
GOVERNMENT OF [illegible]
HRS

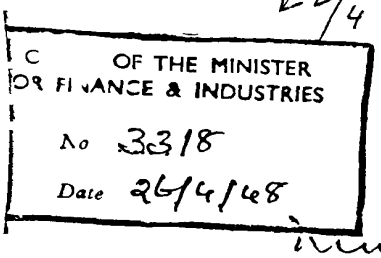
To Mr Nair
21/4/48

16/4 — 35403

19) submitted ~~the proof~~ the file in the subject bearing D No 3543 has been submitted to the Minister for Finance & Industries on 16/4/48

Illegible 22/4

20) Per Secy) Pr 22-4-48



21) For Illegible orders

Illegible & Illegible)

24/4/48

3543/6319/mk

submitted with a draft
memorandum for the Chairman
— Ref formats 17418 & the notes
thereon
31/5/68

3/5/68

To,
Shri Dharmaiah,
L 17452 & 8/6/68
Regarding the appeal

L 17453 & 8/6/68 — copy to
the chairman, Appellate Tribunal

B Mehra
15/6

OFFICE OF THE
CHIEF MINISTER
No 2266
Date 23/11

Mxx K Changalraya Reddy,Esq,
The Chief Minister,to
The Government of Mysore, Bangalore
--

Applicant - Thimmiah,son of Dasappa alias Mariyanna,
Door No 97,Opposite to Devaraja Market,
MYSORE
--

Respected Sir,

While my several petitions - in the matter of reconveying my acquired site near Olympia Talkies,Mysore,(located in the most commercial vicinity) subsequent to its not being used for public purpose,for which it was clearly acquired, I see to my dismay and astonishment,that an advertisement in 'Mysore Patrika' is given prominance to, of its sale by Public Auction to any private person, by the Trust Board Authorities on 3 11 47,which if actually takes place,would culminate and subjects me to an irrecoverable loss,and will multiply my task to appeal and secure back my site besides tending for litigations

Therefore, I now appeal before your Honour under the following amongst other grounds,that you will immediately SET ASIDE the auction proposed and fixed up to 3 11 47,until my appeal before the authorities are finally and equitably heard and disposed off and save me from worries,litigations and complications that may give rise to,by this premature sale in auction,fixed on 3 11 47

1 That in 1938,my house situated near the Olympia Talkies,which is now converted as a site,was acquired on the explicit and vivid understanding that it was direly required for the corstruction of a latrine for public use and I was thus deforced of my property by acquisition,and a nominal corpensation was given to me

2 That a latrine was also built on the site,which later on,owing to the complaints of the neighbourers in the vicinity,that the same caused them, a sort of nuisance and insanitation,was demolished and allowed to remain as a vacant site

3 From,thence,till date, I have been untiringly petitioning to the authorities viz on 23 6 46 29 6 46 27 7 46 and 7 8 46,and several others,requesting the authorities to reconvey the site to me,subsequent to its not being utilised for the purpose for which

Contd P T O

which the same was purely intended,as I am inconvenienced for want of a dwelling abode,and that the auction of it, would cause great loss and quell my future consideration,and would be a very wrong and inequitable action of the authorities,to deforce its original owner,and resell it in auction to a private man, at the highest amount,while only a nominal sum was paid to me,which arounts to actual TRADE and an equitable business,

4 I got endorsement from the Chairman,City Improvement Trust Board,Mysore No 2 /46-47 dated 7 7 46,that my applications,dated 29 6 47 is referred to ML Engineer for disposal Since then, neither I have received any further endorsement from the Chairman,nor from the Municipal Engineer

5 So, conclusively, I state that the auction fixed to 7 11 47,is inequitable, deforcing and not in conformity with the original intention of the authorities,to which my site was acquired ,and if auction, it would entail in great and running loss to me

6 The Auction proposed and fixed is too premature,because it is not finally disposed off in as much as I have not finally given endorsement by the ML Engineer,where it is referred ,and my other applications and this application pending disposal

7 Justice is to be given to poor subjects,but if they are deforced of their dwelling abodes,on some bona fide intentions,as required for public use etc,and later on disposed off to private sale in auctions,poor subjects,have to suffer abject misary As to myself, even my above house i e House No 97,is already acquired,so I and my family are today deforc d of an house

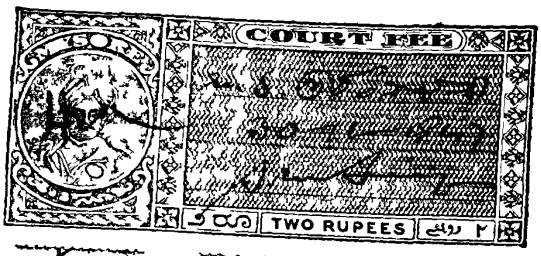
8 Pray,therefore,ISSUE ADINTERIM STAY ORDER OF THE AUCTION SALE ON 7 11 47,until my above appeals are heard and justice adjudged

Yours most obediently,

ಶಂ ಚಿಕ್ಕಣ್ಣಪ್ಪ

Dated 29 10 47
Reg Post

Minister for Finance
Deputy Secretary
Revenue



To

ಕೋರ್ಟ್‌ನಲ್ಲಿ

ಸ 19 -19 ನೇ ಇಸವಿ ಮೊಕದ್ದಮೆ ನಂಬರು

ವಾದಿ ಪ್ರತಿವಾದಿ

Vs

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ನಾಮ

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನಾನು ಪರವಾಗಿ ಆಸ್ತಿರುವರೆಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಕೈಗಿಸಲಿಕ್ಕೂ ನಾನು ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ತೀರ್ಪರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರೀಕ್ರಮ ವಗೈರೆಗಳನ್ನು ನಡೆಸಿ ಹಣ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ಕೋರ್ಟ ನಿಂದ ನಾನು ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಕಿಮ್ಮತ್ತು ಮೊಬಲಗು ಮತ್ತು ರೀಫಂಡಾಗತಕ್ಕ ಮೊಬಲಗು ಮತ್ತು ಸ್ವಾಂಪನ್ನು ಪಡೆಯಲಿಕ್ಕೂ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ಮತ್ತು ಈ ಸಂಬಂಧವಾದ ಇತರ ಕಾಗದಗಳನ್ನು ವಾಪಸ್‌ಪಡೆಯಲಿಕ್ಕೂ ನಾನು ತಮಗೆ ಕೊಡಬೇಕಾದ ಫೀಜನ್ನು ಕೊಡದೇನಿಲ್ಲಿಸಿ ಕೊಂಡಲ್ಲಿ ಕೇಸಿನಿಂದ ರಿಟ್ರೈರ್ ಆಗುವುದಕ್ಕೆ ಸಹಾ ಈ ಮೂಲಕ ತಮಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೇನೆ

ಈ ಆಧಾರದಮೇಲೆ ತಾವಾಗಲಿ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ಡಿಟೊ ಮೊಕದ್ದಮೆಯನ್ನು ನಡೆಸುವ ಕಲಸಗಳನ್ನು ಖುದ್ದು ನಾನೇ ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿದೇನೆ

ತಾ॥ 30-11-1947

ಈ ಮೊಕ್ತ್ಯಾನ್ನಾಮ ಅಂಗೀಕರಿಸಿದೇನೆ

ಶ್ರೀ ವಿಜಯಲಕ್ಷ್ಮೀ ಪ್ರೆಸ್ ಮೈಸೂರು

ಈ ಮೊಕ್ತ್ಯಾನ್ನಾಮಾ ಕೊಟ್ಟವರು

ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ

30-11-47

To

The Hon'ble Srijut H C Dasappa, B A , LL B ,

Minister in charge of the City Improvement Trust

MYSORE.

Petitioner:- Thimmiah, aged about 50, son of Dasappa alias Marianna, resident of Door No 97, opposite Devaraja Market, Mysore City

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The Petitioner begs to state as follows -

I The valuable house bearing Door No 1226 in Block No 33, Devaraja Mohalla, Mysore City and situated in the busiest locality of the City near the Olympia Talkies belonged to the Petitioner and was acquired by the City Improvement Trust Board, Mysore in 1938 for purpose of constructing a Public latrine thereon A paltry sum of Rs 920/- was then paid to the Petitioner towards compensation thereon and the latrine was also constructed on the site

II It appears that the residents of the locality complained against the existence of a public latrine at the place on the ground of its being a nuisance to them and asked for the removal of the latrine and hence the latrine was dismantled by the Municipal authorities about a year ago

III Before the latrine was dismantled, the Petitioner addressed petitions dated 26-6-46, 29th June 46 and 27th July 46 to the Chairman of the City Improvement Trust Board requesting that the site on which the latrine was constructed might be given to him at a reasonable upset price, since the purpose for which the property was acquired no longer existed and

P T O

existed and since it was but just and equitable that the site was restored to the petitioner, who was the original owner The then Chairman of the Board also orally assured the Petitioner that the Petitioner's request would be favourably considered and that the site would be given back to him The Petitioner got an endorsement dated 3-7-1946 from the Chairman of the City Improvement Trust Board, Mysore to the effect that the matter was referred to the Municipal Engineer for disposal The Petitioner was fervently hoping that the matter would be given kind and favourable consideration

IV But to the greatest dismay and disappointment of the Petitioner, the Petitioner read an advertisement in the "Mysore Patrika" dated 28-10-1947 that the site would be sold by public auction on 3-11-1947 Immediately thereafter on 29-10-1947, the Petitioner submitted petitions to the Chief Minister, the Chairman of the City Improvement Trust, and the Several members of the Trust Board praying for stay of the sale advertised for 3-11-1947 and granting his request for restoration of the site to him Unfortunately for the Petitioner, before the matter could receive any consideration, the sale took place on 3-11-1947 and the site fetched a price of Rs 19050/-

V Misfortune has not visited the Petitioner only once The Petitioner's valuable dwelling and shop premises, bearing Door Nos 95, 96, 97 and 98 to the East of Sri Krishna Bhavan restaurant and opposite the Devaraja Market have also been acquired in connection with the formation of the Statue Square Circle The Petitioner is thus deprived even of his dwelling house and has now to wander in the streets of the City in search for a dwelling place It is needless for the Petitioner to submit the impossibility of finding any

ಶಂ ಮೈಸೂರು

finding any dwelling accommodation in the City

VI The Petitioner submits that it was was most inequitable, unfair and unjust for the - Trust Board authorities to have auctioned away the site, while the several petitions in the matter of restoration of the site were still pending and were not finally disposed of The Petitioner is ~~already~~ utterly ruined by the hasty action of the Trust Board in getting the site auctioned before the final disposal of the ~~x~~ Petitioner's legitimate requests

VII The Petitioner learns that the auction has now been confirmed by the Trust Board and that the approval of the Government is sought for for the resolution dated 28-11-1947 confirming the - sale The Petitioner can only appeal to your mercy, Sir, in the fervent hope, that his prayers will receive sympathetic and favourable consideration The Petitioner is prepared to construct a building on the site if given to him, according to any approved plan The Petitioner, for the time being, has submitted herewith a plan according to which he proposes to construct the building

VIII The Petitioner therefore, humbly prays that the connected records may kindly be - perused and that the sale which has been held on 3-11-1947 may kindly be set aside and that the site be restored to the Petitioner at any reasonable upset price The grant of the prayer will surely save the Petitioner from the calamity which has befallen him on account of the deprivation of the site

Mysore,
Dated 30-11-1947

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Petitioner

I [illegible] petition
30-11-47

Bag 69/48 48

En 2 Pets regarding Govt & 2T B Rosters - Plan etc

City Improvement Trust Board,
Mysore dated the 24th December 47

ml 15647-5

3543/ml

LSG BRANCH

From

N S Hirannayya Esq , M A ,
Chairman, City Improvement Trust Board,
Mysore

To

Syed Abdul Aleem Esq , B A ,
Secretary to Government,
Revenue Department,
Bangalore

Sir,

Subject - Protest application of Mr Thimmiah S/o Mr Dasappa, protesting auction sale of the site near Olympia Talkies

******

With reference to the petition of Mr Thimmiah dated 29-10-47 addressed to the Chief Minister and received with your No P-266 dated 23-11-47 calling for a report thereon I have the honour to state that the bit of land in question measuring 135 5/24 - sq Yds was acquired for constructing a public lavatory and a sum of Rs one hundred and twenty Rs 120/- was awarded as compensation vide award No 25/38-39 and this was accepted by him The latrine was removed on a complaint by the neighbours

The place has now achieved importance as a result of improvements effected by the Board in the recent years and also by the construction of big buildings for commercial purposes As regards the several points referred to in the petition it is submitted as follows

1 The points referred to in para s 1 and 2 of the petition alleging the purpose of acquisition are already replied in the first para of the letter With regard to the several petitions referred to by him it is submitted that his petition was referred to the Municipal Engineer for disposal as there was a public lavatory One Mr Baliah had applied for this bit of land on 29-11-44, even before the removal of latrine, and the Board had resolved to dispose of the sit by auction a shop site Vide Resolution No 166/29-11-44 copy enclosed After the removal of the latrine there were several petitions both

PTO

both from private persons and institutions praying for the grant of land at a cost of Rs 40/- per sq yd As there were numerous petitions and also in view of the Trust Board Resolution dated 29-11-44, the petitions were placed before the Board and it was resolved to be disposed of by public auction, as per Trust Board Resolution No 142/24-9-47, Copy enclosed, in accordance with G O No L 15423-5 I 13-46-4 dated 3-5-47

135

With regard to the auction sale held by the Board on 3-11-47 it is submitted that the sale is in accordance with the Trust Board Resolution and the Goverment order referred to above, and as the auction has fetched a sum of 19,050/- the sale is held, is subject to confirmation by Government, as per G O No L 153-5 II 135-43-8 dated 7-11-47 In this connection it is submitted that the compensation paid to the petitioner then, was the real value of the property and the present realizations is only a special windfall over which the original owner has no claim

It must also be stated that for whatever purpose the land may have been acquired, if, by other reasons, it is used for a different purpose, it does not mean that the indefeasible title of the Board to the land is affected With the payment of compensation, the original holder loses all rights over the property It would be a very awkward and inconvenient precedent if the claims of parties to the land subsequent to the acquisition were recognised in any way

The petition received with your No L 11889-dated 18-12-47 together with its enclosures are returned as desired

I have the honour to be,
Sir,
Your most obedient servant,

Chairman
Bas

Proceedings of the Ordinary Meeting of the Trust Board held on 29-11-1944

Deferred subject - No 166

Application dated 13-9-1944 from Mr N Baliah, requesting for the grant of the vacant land to the east of the Municipal latrine and a few yards to the left of the Olympia Talkies for the construction of a decent shop

Resolved that the site in question may be auctioned as shop sites "

Sd R Ramachandra Rao Bhombore,
Chairman

"COPY"
CHAIRMAN.
Bas 24 12 47

Proceedings of the Ordinary Meeting of the Trust Board held on 24-9-1947

---

142 Disposal of vacant bit of land adjoining D No 1695 and 1697 near Olympia Talkies and the Office note thereon for auctioning the same

May be disposed of by auction

Sd N S Hirannayya,
Chairman

"COPY
CHAIRMAN
Bas 24 12 47

Encl 17454 / ML 156-47-6 8/6/48

Endorsement stamped

to Sri Thumsah, son of

Dasaffa alias Ramanna,

Door No 97, opposite

Devaraja Market, Mysore

city -

with reference to his

petitions dt 29-10-47 and 30-11-47

addressed to the chief Minister

and the Minister for Finance

& Industries respectively

praying that the sale of site

bearing the CDT and bounded

by the formed out of this property

No 1226 in Block No 33,

Devaraja Mohalla, Mysore city -

as granted premises

for the construction of pukka

Saturne, may be set aside and that the same restored to him, so the memorandum is framed that I see no reason to interfere with the decision of the C & T Board, Bymes, in the matter and that his petitions are therefore rejected.

AGO

L 17455 8/6/48 HRWalker

Copy of the above is forwarded to the Chairman, C & T Board, Bymes with reference to the correspondence ending with his letter No 82 C 69/47 dated 19/4/48 on the subject with observations that there is no need to set aside the sale so

P 164 HRWalker

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 17454/RH 156 47-6 *Dated Bangalore* 8/6 *1948*

ENDORSEMENT

granted to Sri Thimmiah, son of Dasappa alias Mariamma, door No 97, opposite Devaraja Market, Mysore City

---

With reference to his petitions dated 29th October 1947 and 30th November 1947 addressed to the Chief Minister and the Minister for Finance and Industries respectively, praying that the sale by the City Improvement Trust Board, Mysore, of the site formed out of his property No.1226 in Block No.33, Devaraja Mohalla, Mysore city, acquired previously for the construction of a public latrine, may be set aside and the same restored to him, Sri Thimmiah is informed that Government see no reason to interfere with the decision of the City Improvement Trust Board, Mysore, in the matter.

By Order,

Sd) Syed Abdul Aleem

Secretary to Government,
Revenue Department.

Memo No L 17455 - 8/6/48

Copy of the above is forwarded, with compliments, to the Chairman, City ImprovementTrust Board, Mysore, with reference to the correspondence ending with his letter No B2 C 69/47 dated 19th April 1948 on the subject, with the observations that there is no need to set aside the sale

By Order,

Secretary to Government,
Revenue Department.

O/c